

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

HARRY JOHN HAMM

Defendant.

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) No. 4:19 CR 613 SRC  
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**MOTION TO CONTINUE HEARING**

Counsel requests the pretrial hearing scheduled for September 21, 2020 be continued for 45 days. The government consents to this request. The parties are negotiating a resolution that will alleviate the need for trial and a pretrial conference. Additional time is needed to complete the review of evidence and continue resolution efforts. The nature of the electronic evidence has hampered the ability of the parties to review all discovery as the evidence must be reviewed in person at the Office of the United States Attorney. The parties are actively planning for this evidence to be reviewed and are engaged in ongoing negotiations in an effort to resolve this matter without proceeding to trial. Additional time is required to complete the final review and to complete negotiations.

This request for continuance is made for good cause shown and to deny such request would deny counsel adequate time to investigate and provide effective representation. There are no reasons that this cause must go forward under the current health pandemic and further delay of 45 days will not cause serious harm to the interests of justice. Granting this request will alleviate the need for an in person appearance and is made to avoid utilizing one of the coveted in person hearings allotted under the current pandemic scheduling directives. The parties are continuing all efforts to resolve this matter as

expeditiously as possible. Counsel and Defendant acknowledge that any such extension will be excluded from computations under the Speedy Trial Act. Counsel will file a signed waiver of Speedy Trial rights if so desired by this Court. The government consents to this request.

WHEREFORE, counsel requests that the Court continue the pretrial conference in this matter for forty five days and reschedule to any date convenient to this Court. The parties will make all efforts to resolve this matter prior to any future pretrial conference.

Respectfully submitted,

/s/Nanci H. McCarthy  
NANCI H. MCCARTHY MO 45443  
Assistant Federal Public Defender  
1010 Market Street, Suite 200  
St. Louis, Missouri 63101  
Telephone: (314) 241-1255  
Fax: (314) 421-3177  
E-mail: Nanci\_McCarthy@fd.org  
ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 2020, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Robert Livergood, Assistant United States Attorney.

/s/Nanci H. McCarthy  
NANCI H. MCCARTHY  
Assistant Federal Public Defender